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GOVERNMENT OF INDIA

MINISTRY OF LAW

New Delhi, the 13th September, 1949

ORDINANCE No. XXII of 1949

AN

ORDINANCE

to provide for the apportionment of compensation payable in respect of requisitioned land

WHEREAS doubts have arisen whether an arbitrator appointed under section 19 of the Defence of India Act, 1939 (XXXV of 1939), or under the said section as deemed to be continuing in force for the purpose of section 6 of the Requisitioned Land (Continuance of Powers) Act, 1947 (XVII of 1947), has power to apportion the compensation payable in respect of any requisitioned land among persons interested therein;

AND WHEREAS an emergency has arisen which makes it necessary to resolve the said doubts and expressly to provide for the apportionment of compensation in all such cases;

Now, THEREFORE, in exercise of the powers conferred by section 42 of the Government of India Act, 1935 (20 Geo. 5, c. 2), the Governor-General is pleased to make and promulgate the following Ordinance:—

1. Short title and commencement.—(1) This Ordinance may be called the Requisitioned Land (Apportionment of Compensation) Ordinance, 1949.

(2) It shall come into force at once.

2. Definitions.—In this Ordinance,—

(a) the expression “persons interested”, in relation to any requisitioned land, includes all persons claiming an interest in the compensation to be paid on account of the requisitioning or the acquisition of the requisitioned land under the provisions of section 19 of the Defence of India Act, 1939 (XXXV of 1939) or section 6 of the Requisitioned Land (Continuance of Powers) Act, 1947 (XVII of 1947);

(b) the expression "requisitioned land" means any immovable property which is, or was, subject to any requisition effected under the rules made under the Defence of India Act, 1939 or continued under the Requisitioned Land (Continuance of Powers) Act, 1947.

3. Apportionment of compensation.—(1) Notwithstanding anything contained in either of the Acts mentioned in section 2, where there are several persons interested in any requisitioned land, it shall be lawful, and shall be deemed always to have been lawful, for an arbitrator appointed in pursuance of either of the sections mentioned in clause (a) of section 2, to apportion by his award the compensation payable in respect of the requisitioning or, as the case may be, acquisition of the land among the persons interested.

(2) Where an arbitrator appointed in pursuance of either of the sections mentioned in clause (a) of section 2 has, before the commencement of this Ordinance, made an award determining, but not apportioning, the compensation payable, and such compensation has not been paid, the Government by whom such compensation is payable may, upon the application of any person interested, appoint the same or another arbitrator to apportion the compensation among the persons interested, and it shall be lawful for the arbitrator so appointed to make a supplementary award of apportionment.

(3) An appeal shall lie to the High Court against a supplementary award made under sub-section (2) if, and only if, an appeal would have lain against the original award under the provisions of section 19 of the Defence of India Act, 1939, and the rules made thereunder.

(4) The provisions of the rules made under section 19 shall, in so far as they are applicable, apply to arbitrations and awards under this section as they apply in relation to arbitrations and awards under the said section 19.

C. RAJAGOPALACHARI,
Governor-General.

K. V. K. SUNDARAM,
Secy. to the Govt. of India.